

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAMIEN MARSHJON McDOUGLAND,

Plaintiff,

v.

J. BELLUOMINI, et al.,

Defendants.

No. 2:22-cv-02242 SCR

ORDER

On April 17, 2025, defendants filed a motion for summary for judgement (ECF No. 57) that plaintiff failed to timely oppose. On May 29, 2025, the undersigned issued an order to show cause directing plaintiff to file, within 21 days, a response to defendants' motion that complies with Federal Rule of Civil Procedure 56 and Local Rule 260. (ECF No. 58.) Plaintiff filed a response in which he explained that he does not know how to litigate this case and previously requested the appointment of counsel. (ECF No. 59.) Plaintiff did not submit any evidence in opposition to defendants' motion but stated that he has "plenty of evidence of defendants' staff assault" that he will show at trial. (*Id.*) Defendants filed a reply asking the undersigned to grant their motion and dismiss the case. (ECF No. 60.)

The undersigned sua sponte finds good cause to grant plaintiff an additional thirty (30) days to respond to defendants' motion for summary judgment. Plaintiff does not appear to comprehend that there will be no trial if defendants' motion for summary judgment is granted.

1 As the Rand notice attached to defendants' motion warns in part: "If you do not submit your own
2 evidence in opposition, summary judgment, if appropriate, may be entered against you. If
3 summary judgment is granted, **your case will be dismissed and there will be no trial.**" (ECF
4 No. 57-23 at 2 (emphasis added).) Should plaintiff choose to oppose defendants' motion, he is
5 advised to review the Rand notice in its entirety and to submit an opposition that complies with
6 Federal Rule of Civil Procedure 56 and Local Rule 260. Plaintiff is further advised that under
7 Local Rule 230(l), his failure to file an opposition to defendants' motion "may be deemed a
8 waiver of any opposition to the granting of the motion[.]"

9 Accordingly, IT IS HEREBY ORDERED that plaintiff is granted an additional thirty (30)
10 days from the date of service of this order to submit a response to defendants' motion for
11 summary judgment that complies with Federal Rule of Civil Procedure 56 and Local Rule 260.

12 DATED: June 26, 2025

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16 SEAN C. RIORDAN
17 UNITED STATES MAGISTRATE JUDGE
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